The Wisconsin Caregiver Program Manual

For Entities Regulated by the Bureau of Quality Assurance

Issued by:

Office of Caregiver Quality
Bureau of Quality Assurance
Division of Disability and Elder Services
Department of Health and Family Services
State of Wisconsin

For Entities Regulated by the Bureau of Quality Assurance

CHAPTER	SECTION	TOPIC
CHAPTER 1		INTRODUCTION
Updated 3-05	1.1.0	The Wisconsin Caregiver Program Manual
	1.2.0	Purpose of the Wisconsin Caregiver Law
	1.3.0	Components of the Wisconsin Caregiver Program
	1.4.0	Employment and Licensing Prohibitions
Updated 3-05	1.5.0 1.5.1 1.5.2	Programs Covered by the Law Programs Covered Under Chapters 50, 51, and 146, Wis. Stats. Entities Not Currently Covered Under the Law
	1.6.0 1.6.1 1.6.2	Required Individuals Entity Responsibility Bureau of Quality Assurance Responsibility
Updated 6-01	1.7.0 1.7.1 1.7.2 1.7.3 1.7.4	Definitions Caregiver Nonclient Resident Regular, Direct Contact Under the Entity's Control
CHAPTER 2		EMPLOYEE BACKGROUND CHECK PROCESS
Updated 6-01	2.1.0 2.1.1 2.1.2 2.1.3 2.1.4 2.1.5	Employees as Caregivers Contractors and Implied Contractors Volunteers Students Temporary Employment Agency Services Individuals Not Defined as Caregivers
Updated 3-05	2.2.0 2.2.1 2.2.2	Background Check Process Forms Needed Contracting for Background Checks
Updated 6-01	2.2.3	Background Information Disclosure Form (HFS-64) 2.2.3.1 Supervision Pending Complete Check
Updated 3-05 Updated 6-01		2.2.3.2 Out-of-State Record Search 2.2.3.3 Military Discharge Papers 2.2.3.4 BID Form Retention
Updated 3-05	2.2.4	Wisconsin Criminal History Record Request (DJ-LE-250/250A) 2.2.4.1 DOJ Internet Checks
	2.2.5	Response to Wisconsin Criminal History Record Request 2.2.5.1 Wisconsin Identification Data 2.2.5.2 Response to Caregiver Background Check (HFS-65)

Updated 6-01 Updated 3-05	2.2.6 2.2.7 2.2.8	Incomplete/Incorrect Information 2.2.6.1 Department of Justice (DOJ) Response 2.2.6.2 Department of Health and Family Services (DHFS) Letter 2.2.6.3 Department of Regulation and Licensing (DRL) Information Complete Caregiver Background Check Background Check Record Retention
Updated 6-01	2.3.0	Sharing Caregiver Background Check Results
Updated 3-05	2.4.0	Nurse Aide Registry
	2.5.0	Staff Self-Reporting Requirements
	2.6.0 2.6.1 2.6.2 2.6.3 2.6.4	Sanctions Sanctionable Entity Actions Entity Sanctions Sanctionable Individual Actions Individual Sanctions
CHAPTER 3		ENTITY OWNER AND NONCLIENT RESIDENT BACKGROUND CHECK PROCESS
Updated 3-05	3.1.0 3.1.1	Entity Owners and Nonclient Residents Owners/License Holders 3.1.1.1 Nongovernmental Entities 3.1.1.2 Governmental and Tribal Entities
	3.1.2 3.1.3	Principal Officers, Corporation or Board Members Nonclient Residents
	3.2.0 3.2.1	Background Check Process Background Information Disclosure (HFS-64) 3.2.1.1 Military Discharge Papers 3.2.1.2 Out-of-State Records Search 3.2.1.3 BID Form Retention
	3.2.2 3.2.3	Wisconsin Criminal History Record Request Response to Wisconsin Criminal History Record Request 3.2.3.1 Wisconsin Identification Data 3.2.3.2 Response to Caregiver Background Check (HFS-65)
Updated 3-05	3.2.4 3.2.5	Complete Caregiver Background Check Background Check Record Retention
	3.3.0	Licensure and Residency Limitations
	3.4.0	Self Reporting Requirements

CHAPTER 4		FINDINGS, CONVICTIONS AND LIMITATIONS
	4.1.0 4.1.1 4.1.2 4.1.3 4.1.4	Findings and Convictions Offenses Affecting Caregiver Eligibility Other Convictions Convictions in Other States Dismissed Charges
Updated 6-01 Updated 6-01 Updated 3-05	4.2.0 4.2.1	Additional Required Information Obtaining Additional Information 4.2.1.1 County Clerk of Courts/Tribal Courts/Military Courts 4.2.1.2 Circuit Court Automation Program (CCAP)
Updated 6-01	4.2.2 4.2.3	Juveniles Fingerprint Cards
	4.3.0 4.3.1	Substantially Related Crimes Guidelines for Substantially Related Crimes 4.3.1.1 In Relation to the Job 4.3.1.2 In Relation to the Offense 4.3.1.3 In Relation to the Person
	4.3.2 4.3.3 4.3.4	Municipal or County Ordinance Violations Actual Convictions vs. Original Charge Pending Charges
	4.4.0	Filing a Complaint
CHAPTER 5		THE REHABILITATION REVIEW PROCESS
	5.1.0 5.1.1	Rehabilitation Review Purpose Offenses Affecting Caregiver Eligibility
	5.2.0 5.2.1 5.2.2 5.2.3	Rehabilitation Review Procedures Application Procedures Panel Review Meeting Review Panel Decision
	5.3.0 5.3.1 5.3.2	Contact Information DHFS Regulated Entities Tribal-operated DHFS Regulated Entities
CHAPTER 6 Updated 10-04		MISCONDUCT REPORTING AND INVESTIGATIONS
	6.1.0	Entity Investigation and Reporting Requirements
	6.2.0 6.2.1 6.2.2	Caregiver Misconduct Abuse Neglect

	6.2.3 6.2.4 6.2.5	Misappropriation of Property Injury of Unknown Source Incident
	6.3.0 6.3.1	Incident Reporting Written Procedures
	6.4.0 6.4.1 6.4.2 6.4.3	Entity Investigative Responsibilities Protection of Clients Notifying Law Enforcement Entity Investigative Report 6.4.3.1 Elements of the Entity Report
	6.5.0 6.5.1 6.5.2	Entity Investigation Results Reportable Incidents Unreported Incidents 6.5.2.1 Minor Effect on the Client
	6.6.0 6.6.1	Entity Reporting Requirements Reported Incidents 6.6.1.1 Credentialed Staff 6.6.1.2 Continued Employment
	6.6.2 6.6.3	Unreported Incidents Reporting Requirement Penalties
	6.7.0 6.7.1	BQA Investigation Release of Records 6.7.1.1 Healthcare Records 6.7.1.2 Treatment Records 6.7.1.2 Personnel Records
	6.7.2 6.7.3 6.7.4	Confidentiality of Alleged Misconduct Investigation Outcome Substantiated Caregiver Misconduct
	6.8.0	Wisconsin Caregiver Misconduct Registry
Appendix I		Caregiver Program Forms
Appendix II		DOJ Out of State Contacts for Criminal History Record Checks
Appendix III		HFS 12, Appendix A – Offenses Affecting Caregiver Eligibility
Appendix IV		Caregiver Program Regulations
Appendix V		Other Programs
Appendix VI		Suggested Resources
Appendix VII		Acronyms and Terminology